



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

DAVID RAY-SHAN EDWARDS,	§	
	§	
Petitioner,	§	
	§	
vs.	§	CIVIL ACTION NO. 8:06-197-HFF-BHH
	§	
COUNTY OF LEXINGTON,	§	
	§	
Respondent.	§	

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ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE  
MAGISTRATE JUDGE

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This is a *habeas corpus* petition brought pursuant to 28 U.S.C. § 2254. Petitioner is proceeding *pro se*. The matter is before the Court for review of the report and recommendation (Report) of the United States Magistrate Judge in which she recommends that the Court dismiss the petition. The Report is made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Matthews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or may recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed her Report on February 1, 2006, and Petitioner failed to file any objections to the Report.<sup>1</sup> In the absence of such objections, the Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir.1985).

After a thorough review of the Report and the record in this case pursuant to the standards set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that this petition should be, and hereby is, **DISMISSED**.

**IT IS SO ORDERED.**

Signed this 21st day of February, 2006, in Spartanburg, South Carolina.

s/ Henry F. Floyd  
HENRY F. FLOYD  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL** Petitioner is hereby notified that he has the right to appeal this Order within **thirty (30)** days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

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<sup>1</sup> Petitioner did, however, file a letter in which he appeared to reiterate the allegations made in his petition. Because this letter fails to address any aspect of the Report, the Court does not treat it as an objection. *Cf. Howard v. Secretary of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991) (general objections are tantamount to a failure to object); *see also Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982) (failure to file specific objections to particular conclusions in magistrate judge's report, after warning of consequences of failure to object, waives further review). Even if, out of an abundance of caution, the letter is viewed as an objection, it fails to convince the Court that the Magistrate Judge's conclusion is incorrect and, so, is overruled.